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Key Westmoreland witness due on stand

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Lawyers for retired US Army Gen. William C. Westmoreland, running out of time in the general's \$120 million libel suit against CBS, said they would call only one more witness after completing their questioning of codefendant George Crile.

As the trial resumed Thursday after a holiday recess, with network producer Crile on the stand, General Westmoreland's counsel had just 48 hours left of the 150 hours allotted each side by Judge Pierre A. Leval to present its case.

Westmoreland lawyer Dan M. Burt indicated that, after Crile leaves the witness stand, he will call Ira Klein, the film editor for most of the disputed CBS News documentary — "The Uncounted Enemy: A Vietnam Deception."

Mr. Klein is expected to be the only person connected with the documentary to testify in behalf of Westmoreland. According to Mr. Burt, head of the Westmoreland legal team, Klein complained about the editing during the making of the documentary. Klein is reported to have said that he protested repeatedly to Crile while the broadcast was being prepared that there were numerous "loop-holes" in the research and that Westmoreland was not being treated fairly.

Codefendants Mike Wallace, a CBS correspondent, and former Central Intelligence Agency analyst Samuel A. Adams will not be called by the plaintiff's counsel. CBS lawyer David Boies has not committed himself to

putting any of the defendants on the stand when he begins presenting CBS's case, possibly as early as next week.

In Manhattan federal court yesterday, Judge Leval welcomed back the jury and gave them a refresher lecture on the elements of the case.

Judge Leval, who has at times used charts in explaining rules of evidence to the jurors, reminded them that they must decide whether the broadcast was defamatory concerning Westmoreland and, if so, whether that defamatory material was true or false.

If they decide the information was false, the jurors must also consider the defendants' state of mind — whether they knew the information was not true, or if they had reckless disregard for the truth.

If the jurors so find, said the judge, they must consider how that information damaged the general's reputation.

Leval also reminded the jury to "remain flexible, uncommitted, and open to hear what's yet to come" in the trial, which is expected to last at least another month.

In cross-examination yesterday by CBS lawyer Boies, Crile mentioned several of the people who are expected to testify for CBS, including Col. John Barry Williams, who was a major at the Pentagon during the time covered in the documentary and had been involved in debates over how to estimate enemy strength. He said that Colonel Williams was one of the approximately 80 people interviewed for the documentary.

Westmoreland was commander of US forces in Southeast Asia from 1964 to 1968.